

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-16 remain pending in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable Hendricks (U.S. Patent No. 5,659,350) in view of Tsukakoshi (U.S. Patent No. 5,086,426), Okimoto (U.S. Patent Application Publication No. 2002/0051539) Tamer (U.S. Patent No. 5,619,501), Roop (U.S. Patent No. 5,619,274), and Kubota (U.S. Patent No. 6,970,654). However, under 35 U.S.C. § 103(c), Kubota is disqualified from being relied on as prior art for the purpose of showing obviousness.

The present application was filed on February 21, 2002 and claims priority from Japanese Application No.P2001-044553, filed February 21, 2001. Therefore, the priority date of the present application February 21, 2001.

Kubota issued on November 29, 2005 from an application filed on June 7, 2000 and is a divisional of U.S. Application No. 09/370,776 filed August 9, 1999, now U.S. Patent No. 7,023,992, which is a continuation of a PCT Application No. PCT/JP98/03127 filed on July 13, 1998. Therefore, Kubota qualifies as prior art under 35 U.S.C. § 102(e).

Moreover, Kubota is assigned to Sony Corporation, the assignee of the present application. (See <http://assignments.uspto.gov/assignments/q?db=pat&pat=7023992>.)

Both Kubota and the present application were owned by Sony Corporation at the time of the invention disclosed and claimed in the present application. Therefore, Kubota is disqualified under 35 U.S.C. § 103(c) from being relied on as prior art for the

purpose of showing obviousness.

Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
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